

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

AMERICAN COLLEGE OF
OBSTETRICIANS AND
GYNECOLOGISTS, *et al.*,

Plaintiffs,

vs.

UNITED STATES FOOD AND DRUG
ADMINISTRATION, *et al.*,

Defendants.

Case No. 8:20-cv-1320-TDC

JOINT NOTICE

On April 12, 2021, the U.S. Food and Drug Administration (“FDA”) issued a letter to Plaintiff American College of Obstetricians and Gynecologists announcing that, “provided the other requirements of the Mifepristone REMS Program are met,” FDA “intends to exercise enforcement discretion during the COVID-19 [Public Health Emergency (“PHE”)] with respect to the in-person dispensing requirement of the Mifepristone REMS Program, including any in-person requirements that may be related to the Patient Agreement Form.” FDA also stated that, “to the extent all of the other requirements of the Mifepristone REMS Program are met,” FDA “intends to exercise enforcement discretion during the COVID-19 PHE with respect to the dispensing of mifepristone through the mail either by or under the supervision of a certified prescriber, or through a mail-order pharmacy when such dispensing is done under the supervision of a certified prescriber.” A true and correct copy of FDA’s letter is attached as Exhibit A.

The Parties are preparing to meet and confer regarding the impact of FDA's letter on this litigation. The Parties intend to update the Court as soon as possible, but no later than in the Joint Status Report due by May 6, 2021. ECF No. 153.

Dated: April 26, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of April 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Jonathan E. Amgott
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